

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HELAYNE SEIDMAN,

Plaintiff,

-against-

GAX PRODUCTIONS, LLC,

Defendant.

18-CV-2048 (RA) (BCM)

**ORDER**

USDC SDNY  
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ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 10/5/18

**BARBARA MOSES, United States Magistrate Judge.**

On September 20, 2018, attorney Laurence Singer, counsel for defendant GAX Productions, LLC, submitted a declaration (Dkt. No. 30) seeking \$1,687.50 in attorneys' fees pursuant to the Court's September 6, 2018 Order (the September 6 Order) (Dkt. No. 23) sanctioning plaintiff's counsel under Fed. R. Civ. P. 37(a)(5)(A) for failure to provide adequate discovery responses. Attorney Singer arrived at the \$1,687.50 figure by applying an hourly rate of \$450 to the 3 hours and 55 minutes that he spent on tasks that he contends to be within the scope of the September 6 Order. (*Id.*) By letter dated October 3, 2018 (Dkt. No. 34), plaintiff argued that the proposed award would be excessive both in terms of the hours for which fees were sought and the hourly rate. Plaintiff pointed out that attorney Singer failed to submit any information supporting his claimed hourly rate of \$450. By letter dated October 4, 2018, attorney Singer submitted his resume, summarizing his legal experience. (Dkt. No. 35.)

Because the Court did not authorize any reply, attorney Singer's October 4 letter is hereby STRICKEN.

The Court now sets the fee award at \$650.

As stated in the September 6 Order, at 3-4, the scope of the sanction is "limited to the preparation of the August 25 letter-application and subsequent events related to the same dispute, including the email communications among counsel and defendant's September 5 reply letter-

brief.” The sanction does not extend to time spent by attorney Singer preparing defendant’s initial motion to compel on August 24, 2018 (1.5 hours of attorney Singer’s time), or reviewing the Court’s September 6 Order (15 minutes). Deducting those time entries, the Court awards fees for the 2 hours and 10 minutes spent on services within the scope of the September 6 Order.

Further, attorney Singer failed to provide any support for his \$450 hourly rate in his moving declaration. In the absence of a *timely* showing as to his experience, expertise, or customary rate, the Court will apply an hourly rate of \$300, as suggested by plaintiff.

Accordingly, it is hereby ORDERED that plaintiff’s counsel shall pay \$650 to defendant GAX Productions, LLC no later than **October 12, 2018**.

Dated: New York, New York  
October 5, 2018

**SO ORDERED.**

A handwritten signature in blue ink, appearing to read 'Barbara Moses', is written over a horizontal line.

**BARBARA MOSES**  
**United States Magistrate Judge**